

**FILED**

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JUN 11 2008

DAVID J. MALAND, CLERK

BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

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§

V.

CASE NO. 4:08cr92  
(Judge Schell)

RICHARD KIRKPATRICK

**FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA**  
**BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On June 3, 2008, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on Count One of an Information. Count One charges a violation of 18 U.S.C. § 371. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a. That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b. That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(c)(2) and 11(c)(1)(C).

c. That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS THEREFORE RECOMMENDED that the District Court accept the Guilty Plea of the Defendant, and that RICHARD KIRKPATRICK be finally adjudged guilty of the offense listed above.

SIGNED this 9 day of June, 2008.

A handwritten signature in black ink, appearing to read "Don D. Bush", written over a horizontal line.

DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE